

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ABRAHAN JOSE AGUILAR SANCHEZ PETITIONER
v. CIVIL ACTION NO. 5:19-cv-113-DCB-MTP
SHAWN GILLIS RESPONDENT

ORDER

This matter is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation [ECF No. 18], to which Respondent Shawn Gillis filed a Notice of No Objection [ECF No. 19].

Magistrate Judge Parker finds that Petitioner Abrahan Jose Aguilar Sanchez ("Sanchez")'s Petition for Writ of Habeas Corpus [ECF No. 1] should be granted and Petitioner's Motion to Enforce Removal or Release [ECF No. 15] should be granted as well. Petitioner seeks release from immigration custody. Sanchez is a citizen of Venezuela, a country that has refused to accept detainees from the United States for many months. Additionally, Venezuela has recently closed its airports and borders. Petitioner has been in immigration custody since April 16, 2019, which is well in excess of the six-month presumptively reasonable period prescribed by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678, 701 (2001). Magistrate Judge Parker finds that the Petitioner has met his burden of showing that there is

no significant likelihood of removal in the reasonably foreseeable future. Further, Magistrate Judge Parker finds that the Government has not presented the Court with evidence sufficient to rebut Sanchez's showing.

Having carefully reviewed the Report and Recommendation, the Court finds it to be well taken and adopts it as the findings and conclusions of this Court.

Accordingly,

IT IS HEREBY ORDERED that the Court ADOPTS Magistrate Judge Michael T. Parker's Report and Recommendation [ECF No. 18] as the findings and conclusions of this Court;

IT IS FURTHER ORDERED that Abraham Jose Aguilar Sanchez's Petition for Writ of Habeas Corpus is GRANTED;

IT IS FURTHER ORDERED that Petitioner's Motion to Enforce Removal or Release [ECF No. 15] is GRANTED;

IT IS FURTHER ORDERED that Immigration & Customs Enforcement is ordered to deport Petitioner or release him subject to appropriate conditions of supervision, to be determined by Immigration & Customs Enforcement, within thirty days of this Order.

A final judgment shall be entered pursuant to Rule 58 of the Federal Rules of Civil Procedure in an Order of even date herewith.

SO ORDERED, this the 18th day of August, 2020.

/s/ David Bramlette_____

UNITED STATES DISTRICT JUDGE